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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,747	01/16/2002	Mike Oberberger	29757/P-721	7807
4743	7590	06/15/2005	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/050,747	OBERBERGER, MIKE	
	Examiner	Art Unit	
	Binh-An D. Nguyen	3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed February 3, 2005 has been received. According to the Amendment, the specification has been amended. Further, claims 33, 41-45, and 50 have been amended. Currently, claims 1-50 are pending in the application.

Acknowledgment has been made.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7, 10, 17, 23, 26, 33, 38, 41, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginsburg et al. (6,595,856).

Ginsburg et al. teaches a gaming system (600)(Fig.6), (or a method or a computer readable memory for storing steps performed the method thereto), comprising: a first and second gaming devices (300), wherein each of the gaming devices (300) (Fig.3) comprises: a display unit (162) that is capable of generating video images; a value input device (137); a gaming unit controller (305) operatively coupled to said display unit and said value input device, said controller comprising a processor and a memory (RAM) operatively coupled to said processor, said gaming unit controller

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being programmed to allow a person to make a wager, said gaming unit controller being programmed to cause a video image to be generated on said display unit, said video image representing a game of video slots (3:8-15), and said gaming unit controller being programmed to determine a value payout associated with an outcome of said game; and a monitoring apparatus (one of gaming machine 300) (3:23-40; 9:10-21) operatively coupled to said first and second gaming units (Fig.6), said monitoring apparatus (300) comprising: a display terminal; and a monitoring apparatus controller operatively coupled to said display terminal, said monitoring apparatus controller comprising a memory and a processor operatively coupled to said memory of said monitoring apparatus controller, said memory (310) of said monitoring apparatus controller having encrypted license data (from mass storage 270)(3:41-65) representing a license parameter (verification code) and a corresponding license parameter value stored therein, said monitoring apparatus controller being programmed (using verification codes stored in authentication ROM 310 or ROM 320) for determining if said encrypted license data is authentic and said monitoring apparatus controller being programmed for determining if a configuration of said gaming system is in compliance with said license parameter value (verification code value) of said license parameter (3:41-65, Fig.4); monitoring apparatus controller is programmed to display a message indicating an invalid license when said encrypted license data is determined to be invalid (4:24-28); wherein said license parameter (verification code) comprises a valid gaming system operation mode of said gaming system, and wherein said monitoring apparatus

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controller is programmed to compare said valid system gaming operation mode with a current operation mode of said gaming system (4:16-22).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-6, 15, 16, 18-22, 31, 32, 34-37, and 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg et al. (6,595,856) as applied to claims 1, 7, 17, 23, 33, 38, and 46 above, and further in view of Jackson et al. (US 2002/0049909).

Ginsburg et al. teaches all limitations of claims 1, 7, 17, 23, 33, 38, and 46 above. Ginsburg et al. does not explicitly teach the limitations of: encrypted license data comprises a first hash value and license signature data, wherein said license signature data comprises data generated by application of a private key from a private/public key pair to said first hash value, and wherein said first hash value comprises data generated by application of a hashing algorithm to said license parameter (claims 2, 18); monitoring apparatus controller is programmed to separate said license signature data from said first hash value, wherein said monitoring apparatus controller is programmed to apply said hashing algorithm to said first hash value to form a second hash value, said second hash value representative of said license parameter, wherein said

monitoring apparatus controller is programmed to apply a public key from said private/public key pair to said license signature to form a third hash value, and wherein said monitoring apparatus controller is programmed to determine that said license is authentic if said second hash value is about equal to said third hash value (claims 3, 19, 34, 47); monitoring apparatus controller is programmed to extract said license parameter value of said license parameter from said encrypted license data, wherein said monitoring apparatus controller is programmed to compare said license parameter value to a real-time parameter value corresponding to said license parameter, said real-time parameter value corresponding to an actual gaming system configuration value of said gaming system, and wherein said monitoring apparatus controller is programmed to determine that said gaming system is in compliance with said license parameter value of said license parameter if said real-time parameter value does not exceed said license parameter value (claims 4, 20, 35, 48); monitoring apparatus controller is programmed to prevent an operator from reconfiguring said configuration of said gaming system when said encrypted license data is determined to be invalid (claims 5, 21, 36, 49) or not in compliance with said license parameter value of said license parameter (claims 6, 22, 37, 50); license parameter comprises a name-value pair, wherein said name comprises a standard string of characters recognizable by a human reader, and wherein said value comprises a string or an integer (claims 15, 16, 31, and 32).

Jackson et al., however, teaches encryption in a secure computerized gaming system, comprising: encrypted license data comprises a first hash value and license

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signature data (signature 220), wherein said license signature data comprises data generated by application of a private key from a private/public key pair to said first hash value, and wherein said first hash value comprises data generated by application of a hashing algorithm to said license parameter (Figs.3-4, paragraphs 60-62); monitoring apparatus controller is programmed to separate said license signature data from said first hash value (Fig.3), wherein said monitoring apparatus controller is programmed to apply said hashing algorithm to said first hash value to form a second hash value, said second hash value representative of said license parameter, wherein said monitoring apparatus controller is programmed to apply a public key from said private/public key pair to said license signature to form a third hash value, and wherein said monitoring apparatus controller is programmed to determine that said license is authentic if said second hash value is about equal to said third hash value (Figure 4)(paragraphs 43-45); monitoring apparatus controller is programmed to extract said license parameter value of said license parameter from said encrypted license data, wherein said monitoring apparatus controller is programmed to compare said license parameter value to a real-time parameter value corresponding to said license parameter, said real-time parameter value corresponding to an actual gaming system configuration value of said gaming system, and wherein said monitoring apparatus controller is programmed to determine that said gaming system is in compliance with said license parameter value of said license parameter if said real-time parameter value does not exceed said license parameter value (Fig.3); monitoring apparatus controller is programmed to prevent an operator from reconfiguring said configuration of said gaming system when said

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encrypted license data is determined to be invalid (Paragraphs 87-88) or not in compliance with said license parameter value of said license parameter.

Thus, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide the encryption technique using public/private key of Jackson et al. to the casino gaming system of Ginsburg et al. to enhance security and prevent erroneous payouts thus bring more profit to the casino.

Regarding the limitation of license parameter comprises a name-value pair, wherein said name comprises a standard string of characters recognizable by a human reader, and wherein said value comprises a string or an integer (claims 15, 16, 31, and 32), it is notoriously well known in program encryption to use numbers and characters for data encryption.

6. Claims 8, 9, 11-14, 24, 25, 27-30, 39, 40, and 42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ginsburg et al. (6,595,856) as applied to claims 1, 7, 17, 23, 33, 38, and 46 above, and further in view of Nguyen (US 2002/0071557).

Ginsburg et al. teaches all limitations of claims 1, 7, 17, 23, 33, 38, and 46 above. Ginsburg et al. does not explicitly teach the limitations of: indicating an exceeded license (claims 8, 24, 39); license parameter comprises a maximum allowable number of gaming machines that may be incorporated in said gaming system (claims 9, 25, 40); maximum allowable number of operator workstations that may be incorporated in said gaming system (claims 11, 27, 42); maximum allowable number and type of reports that

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may be generated by the gaming system (claims 12, 28, 43); site identification of the gaming system (claims 13, 29, 44); an expiration date of said encrypted license data, (claims 14, 30, 45); a name-value pair, wherein said name comprises a standard string of characters recognizable by a human reader, and wherein said value comprises an integer (claims 15, 31); license parameter comprises a name-value pair, wherein said name comprises a standard string of characters recognizable by a human reader, and wherein said value comprises a string (claims 16, 32).

Nguyen (US 2002/0071557), however, teaches a secured virtual gaming network comprising: accounting report detailing gaming network activity (paragraph 10); site identification of the gaming system; an expiration date of license, (paragraph 69);

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the gaming system and method of Ginsburg et al. with the gaming network management technique, as taught by Nguyen, to enhance security and maximize capability of gaming network thus bring forth more profits.

Regarding the limitations of indicating an exceeded license (claims 8, 24, 39); a maximum allowable number of gaming machines that may be incorporated in said gaming system (claims 9, 25, 40); indicating maximum allowable number of operator workstations that may be incorporated in said gaming system (claims 11, 27, 42). Since a casino can hold so much gaming machines, it would have been obvious to designate as much gaming machine in the casino as possible to maximize profit.

7. Applicant's arguments filed February 3, 2005 have been fully considered but they are not persuasive. Applicants' arguments regarding Ginsberg et al. not teaching a licensed software (Applicants' remarks, page 17, line 5 to page 18, line 2) are deemed not to be persuasive. Ginsberg et al. anticipated applicants' monitoring system and method, which validate or authenticate a game system as being addressed above. Note that, Ginsberg et al.'s teaching of game software validating and authenticating is equivalent to applicants' determination of authentic software and system compliance according to the authenticated determination.

Further, regarding applicant's arguments that there is no recitation of "license" in the reference of Ginsberg et al. (Applicants' remarks, page 18, lines 3-13), as being addressed above, the term license recited by the applicants is equivalent to Ginsberg et al.'s verification code. Note that, using different terminology to present a term or to perform a similar or identical task, e.g., authenticating game system for software license compliance as claimed by the applicants, is not different from Ginsberg et al.'s teaching of securing game program software by authentication game for compliance with verification codes.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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